

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

GREATER BOSTON LEGAL SERVICES, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOMELAND  
SECURITY, *et al.*

Defendants.

**DEFENDANTS' MOTION TO  
DISMISS**

Case No.: 1:21-cv-10083-DJC

**MOTION TO DISMISS**

Defendants move to dismiss Plaintiffs' complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.<sup>1</sup> Plaintiffs' complaint should be dismissed because their alleged injuries are outside the zones of interest of the provisions they cite. *See Bennett v. Spear*, 520 U.S. 154, 162 (1997). Also, Plaintiffs have an adequate remedy, *see 5 U.S.C. § 704*, for the relief they seek, and they do not challenge a circumscribed and discrete action, *see Norton v. S. Utah Wilderness All.*, 542 U.S. 55, 62-63 (2004). Defendants incorporate their Memorandum in Support of Motion to Dismiss, which describes, in more detail, why Plaintiffs' complaint fails to state a claim upon which relief can be granted.

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<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the following individuals have been automatically substituted as defendants in their official capacity: (1) Alejandro N. Mayorkas, Secretary of Homeland Security; (2) Tracy L. Renaud, Senior Official Performing the Duties of the Director, U.S. Citizenship and Immigration Services; and (3) Troy Miller, Senior Official Performing the Duties of the Commissioner, U.S. Customs and Border Protection. Tae D. Johnson was named in the Complaint and is now the Acting Director of U.S. Immigration and Customs Enforcement.

WHEREFORE, Defendants respectfully request that the Court grant this motion and dismiss Plaintiffs' complaint.

April 19, 2021

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/s/ Hilarie Snyder  
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**RULE 7.1(a)(2) CERTIFICATION**

I communicated over email with counsel for Plaintiffs regarding this motion to dismiss. Counsel indicated that Plaintiffs will oppose the motion.

/s/ Hilarie Snyder  
HILARIE SNYDER  
Trial Attorney

**CERTIFICATE OF SERVICE**

I hereby certify on this 19<sup>th</sup> day of April 2021 that I have filed this Motion with the Court's ECF system, which sends notice to Plaintiffs' Counsel identified on the NEF.

/s/ Hilarie Snyder  
HILARIE SNYDER  
Trial Attorney